

Appl. No.: 09/842,466

Filed: April 26, 2001

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REMARKS/ARGUMENTS

This Amendment is submitted in conjunction with a Request for Continued Examination (RCE) and is responsive to rejections presented in the final Office Action mailed July 21, 2003, in the above-referenced application. Claims 6 – 20 were previously pending in the application. Claims 6, 7, 11, 13 – 17 have been amended, claims 10, 12, and previously withdrawn claims 21 – 30 have been cancelled, and claims 31 – 47 have been added herein. Thus, claims 6 – 9, 11, 13 – 20, and 31 – 47 remain pending.

Claims 6 – 20 stand rejected as being anticipated by or obvious in view of U.S. Pat. No. 4,820,524 (the “Berta reference”). Throughout prosecution, the Office has maintained that the recited claims do not adequately distinguish over the disclosure of Berta. Particularly, the Office has declined to recognize distinguishing recitations within the previously submitted claims on the grounds that those recitations were process-type recitations submitted within product-type claims. (See Response to Arguments section of the Office Action of July 21, 2003)

An informal interview with the Examiner was held February 25, 2004. As memorialized in an interview summary of that same date, the Examiner and Scott Young, representative for Applicant, discussed newly proposed independent claims 31 and 33 (discussed during the interview as proposed claims 21 and 23). Claims 31 and 33 are written in product-by-process format, and it was agreed that those claims better emphasize the distinctions of the claimed invention over the prior art.

Independent claims 31 and 33 have been added herein. Claims 6, 7, 11, and 13 – 17 have been amended to depend from claim 31, and claim 32 has been added to depend from claim 31. Claims 34 – 47 have been added as dependent claims from claim 33.

During the interview, the Examiner requested that the preamble of each claim be changed from “solid preparation” to “solid tablet preparation”. Page 12 of the specification describes that a number of solid preparations may be prepared in accordance with the invention, and that the invention is not limited to tablets. Therefore, Applicant respectfully declines to limit the invention to a solid tablet preparation.

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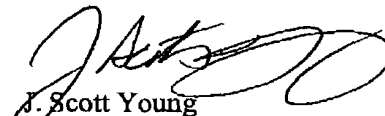
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The pending claims, as added and amended, clearly distinguish the claimed invention from the prior art. Applicant respectfully submits that the application is in condition for allowance, which action is respectfully solicited. Should the Examiner have any questions regarding the foregoing, it is respectfully requested that she contact the undersigned at her convenience.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

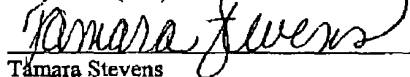
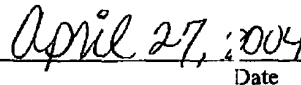
Respectfully submitted,


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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.


Tamara Stevens
Date

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